



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Haynes, Joel R.  
Wonderling, Ramani S.  
Stinchcomb, Dan T.

Serial No.: 09/830,221

Filed: April 23, 2001

Atty. File No.: DE-3-C2-PUS

For: "CATIONIC LIPID-MEDIATED  
ENHANCEMENT OF NUCLEIC ACID  
IMMUNIZATION OF CATS"

) Group Art Unit:

)

) Examiner:

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ASSOCIATE  
POWER OF ATTORNEY

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, ADDRESSED TO BOX SEQUENCE, COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THIS <u>11th</u> DAY OF MARCH 2002.</p> <p style="text-align: center;">HESKA CORPORATION</p> <p>By: <u><i>Larley Keefe</i></u> Larley Keefe</p>
--

BOX SEQUENCE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned, appointed principal agent in the above-identified patent application, hereby appoints Richard J. Stern, Ph.D., Registration 50,668, of HESKA CORPORATION, 1613 Prospect Parkway, Fort Collins, Colorado 80525; telephone number (970) 493-7272, as associate agent in said application, to prosecute this application and to transact business in the U.S. Patent and Trademark Office connected with this application.

Please address all communications as shown below:

Heska Corporation  
Intellectual Property Dept.  
1613 Prospect Parkway  
Fort Collins, CO 80525

Respectfully submitted,

Dated: March 5, 2002

*Theresa A. Brown*

Theresa A. Brown, Esq.  
Registration No. 32,547  
Heska Corporation  
1613 Prospect Parkway  
Fort Collins, Colorado 80525  
Telephone: (970) 493-7272  
Facsimile: (970) 491-9976

COPY

DE-3-C2-PUS



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box DU1  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830,221	Joel R. Haynes	HKZ-034CPUS

Correct Address:
 Elizabeth A Hanley  
 Lahive & Cockfield  
 28 State Street  
 Boston, MA 02109

 PTO Customer No. 26949  
 Heska Corporation  
 Intellectual Property Dept.  
 1613 Prospect Parkway  
 Fort Collins, CO 80525

INTERNATIONAL APPLICATION NO.	
PCT/US99/24769	
LA. FILING DATE	PRIORITY DATE
10/22/1999	10/23/1998

CONFIRMATION NO. 3163

371 FORMALITIES LETTER



\*OC000000007283055\*

Date Mailed: 01/09/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Claims
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Initial Application Filing Fees
- Oath or Declaration
- Oath or Declaration
- Original Specification
- Preliminary Amendments
- Small Entity Statement

RECEIVED LAHIVE & COCKFIELD DOCKET DEPT.  JAN 14 2002  RETRIEVED: _____ FORWARDED: _____
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The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

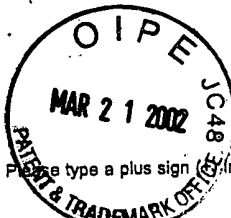
*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/830,221	PCT/US99/24769	HKZ-034CPUS



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Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/830,221	
	Filing Date	23 April 2001	
	First Named Inventor	Joel R. Haynes, et al.	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	14	Attorney Docket Number	DE-3-C2-PUS (HKZ-034CPUS)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (copy) (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Carol Talkington Verser, Ph.D., Registration No. 37,459 Heska Corporation
Signature	<i>Carol Talkington Verser</i>
Date	September 18, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>Sep. 18, 2001</u>			
Typed or printed name	Susan A. Gordon	Date	September, 2001
Signature	<i>Susan A. Gordon</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/830,221
Filing Date	23 April 2001
First Named Inventor	Joel R. Haynes, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	DE-3-C2-PUS (HKZ-034CPUS)

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ Please change the correspondence address for the above-identified application to:

☒ Customer Number

26949

OR



☐ Firm or  
Individual Name

26949

PATENT TRADEMARK OFFICE

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 CFR 3.71  
Certificate under 37CFR 3.73(b) is enclosed (Form PTO/SB/96)

### SIGNATURE of Applicant or Assignee of Record

Name

Carol Talkington Verser, Ph.D., Registration No. 37,459

Signature

*Carol Talkington Verser*

Date

September 18, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**STATEMENT UNDER 37 CFR 3.73(b)**

**COPY**

Applicant: HESKA CORPORATION

Application No.: 09/830,221 Filed: 23 April 2001

Entitled: CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION OF CATS

HESKA CORPORATION, a

Delaware corporation,

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was ~~recorded in the Patent and Trademark Office at Reel xxxxxxxx, Frame xxxxxxxx~~ <sup>submitted to</sup> ~~for which a copy thereof is attached.~~ <sup>recorded in the Patent</sup> ~~on August 6, 2001,~~

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

September 18, 2001

Date

  
Signature

Robert B. Grieve

Typed or printed name  
Chairman and  
Chief Executive Officer

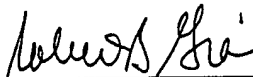
Title

POWER OF ATTORNEY

COPY

On behalf of HESKA CORPORATION, a Delaware corporation, having a principal place of business at 1613 Prospect Parkway, Fort Collins, Colorado 80525, being the assignee of and owning all right, title and interest in the invention entitled "CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION OF CATS," for which an application for Letters Patent of the United States has been made by Joel R. Haynes, Ramani S. Wonderling and Dan T. Stinchcomb, said application being identified as Attorney File No. DE-3-C2-PUS (HKZ-034CPUS) and filed on April 23, 2001, receiving Serial No. 09/830,221, I, Robert B. Grieve, as Chairman and Chief Executive Officer of Heska Corporation, hereby appoint Carol Talkington Verser, Registration No. 37,459; Timothy L. McCutcheon, Registration No. 41,184; and Theresa A. Brown, Registration No. 32,547; of Heska Corporation, 1613 Prospect Parkway, Fort Collins, Colorado 80525, telephone number (970) 493-7272, as attorneys and agents for HESKA CORPORATION with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

Dated: September 18, 2001

By:   
Name: Robert B. Grieve  
Title: Chairman and Chief Executive Officer